

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:**

**Dow Water & Process Solutions  
d/b/a Filmtec Corporation  
5400 Dewey Hill Road  
Edina, Minnesota 55439**

**ATTENTION:**

**Darren Lund  
Environmental, Health & Safety - Delivery Leader**

**Request to Provide Information Pursuant to the Clean Air Act**

The U.S. Environmental Protection Agency is requiring Dow Water & Process Solutions (Dow or you) to submit certain information about the facilities located in Edina, Minnesota ("the facilities") doing business as Filmtec Corporation. Appendix A provides the instructions needed to answer this information request, including instructions for submitting certain information in an electronic format. Appendix B specifies the information that you must submit. You must send this information to us within 30 calendar days after you receive this request. ~

We are issuing this information request under Section 114(a) of the Clean Air Act (CAA), 42 U.S.C. § 7414(a). Section 114(a) authorizes the Administrator of EPA to require you to submit certain information. The Administrator has delegated this authority to the Director of the Air and Radiation Division, Region 5.

Dow owns and operates emission sources at the facilities. We are requesting this information to determine whether your emission sources are complying with the Minnesota State Implementation Plan and the CAA.

Dow must send all required information to:

Attn: Compliance Tracker, AE-17J  
Air Enforcement and Compliance Assurance Branch  
U.S. Environmental Protection Agency  
Region 5  
77 W. Jackson Boulevard  
Chicago, Illinois 60604

Dow must submit all required information under an authorized signature with the following certification:

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Clean Air Act, 42 U.S.C. § 7413(c)(2), and 18 U.S.C. §§ 1001 and 1341.

As explained more fully in Appendix C, you may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B for any part of the information you submit to us. Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth at 40 C.F.R. Part 2, Subpart B. If you do not assert a business confidentiality claim when you submit the information, EPA may make this information available to the public without further notice. You should be aware, moreover, that pursuant to Section 114(c) of the CAA, 42 U.S.C. § 7414(c), and 40 C.F.R. § 2.301(a) and (f), emissions data, standards and limitations are not entitled to confidential treatment and shall be available to the public notwithstanding any assertion of a business confidentiality claim. Appendix C provides additional information regarding the meaning and scope of the term "emissions data."

This information request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks to collect information from specific individuals or entities as part of an administrative action or investigation.

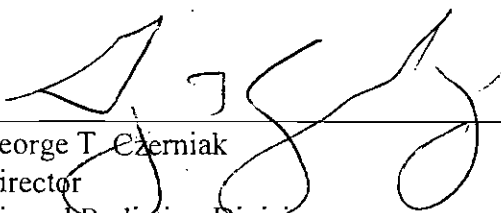
We may use any information submitted in response to this request in an administrative, civil or criminal action.

Failure to comply fully with this information request may subject Dow to an enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413.

You should direct any questions about this information request to Dakota Prentice at (312) 886-6761 or at [prentice.dakota@epa.gov](mailto:prentice.dakota@epa.gov).

Date

2/10/15

  
George T. Czerniak  
Director  
Air and Radiation Division

## **Appendix A**

When providing the information requested in Appendix B, use the following instructions and definitions.

### **Instructions**

1. Provide a separate narrative response to each question and subpart of a question set forth in Appendix B.
2. Precede each answer with the number of the question to which it corresponds and at the end of each answer, identify the person(s) who provided information used or considered in responding to that question, as well as each person consulted in the preparation of that response.
3. Indicate on each document produced, or in some other reasonable manner, the number of the question to which it corresponds.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. Where information or documents necessary for a response are neither in your possession nor available to you, indicate in your response why the information or documents are not available or in your possession, and identify any source that either possesses or is likely to possess the documents or information.
6. If information not known or not available to you as of the date of submission later becomes known or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or incorrect, you must notify EPA as soon as possible.

### **Electronic Submissions**

To aid in our electronic recordkeeping efforts, we request that you provide all documents responsive to this information request in an electronic format according to paragraphs 1 through 6, below. These submissions are in lieu of hard copy.

1. Provide all responsive documents in Portable Document Format (PDF) or similar format, unless otherwise requested in specific questions. If the PDFs are scanned images, perform at least Optical Character Recognition (OCR) for "image over text" to allow the document to be searchable. Submitters providing secured PDFs should also provide unsecured versions for EPA use in repurposing text.
2. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in editable Excel or Lotus format, and not in image format. If Excel or Lotus formats are not available, then the format should allow for data to be used in calculations by a standard spreadsheet program such as Excel or Lotus.

3. Provide submission on physical media such as compact disk, flash drive or similar item.
4. Provide a table of contents for each disk or drive so that each document can be accurately identified in relation to your response to a specific question. We recommend the use of electronic file folders organized by question number. In addition, each compact disk or flash drive should be labeled appropriately (e.g., Company Name, Disk 1 of 4 for Information Request Response, Date of Response).
5. Documents claimed as confidential business information (CBI) must be submitted on separate disks/drives apart from the non-confidential information. This will facilitate appropriate records management and appropriate handling and protection of the CBI. Please follow the instructions in Appendix C for designating information as CBI.
6. Certify that the attached files have been scanned for viruses and indicate what program was used.

### **Definitions**

All terms used in this information request have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. §§ 7401 *et seq.*

1. The terms “document” and “documents” shall mean any object that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy, including any form or format of these. If in computer format or memory, each such document shall be provided in translation to a form useable and readable by EPA, with all necessary documentation and support. All documents in hard copy should also include attachments to or enclosures with any documents.
2. The term “relate to” (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.
3. Dow operates Filmtec Corporation’s manufacturing facilities under a Total Facility Operating Permit (Title V Permit), No. 05301149-003, issued on November 23, 2011. Production under this Title V Permit takes place at multiple buildings including but not limited to 5400 Dewey Lane and 7200 Ohms Lane, both in Edina, Minnesota. Production locations associated with the Title V Permit will be referred to collectively as “the Facilities.”

## Appendix B

### Information You Are Required to Submit to EPA

Dow must submit the following information for the Facilities, doing business as Filmtec Corporation, located in Edina, Minnesota pursuant to Section 114(a) of the CAA, 42 U.S.C. § 7414(a), within 30 calendar days of its receipt of this letter.

1. Provide a copy of each current air permit issued to Dow for the Facilities by the Minnesota Pollution Control Agency (MPCA), including, but not limited to State and Federal Part 70 operating and construction permits.
2. Provide a copy of all permit applications submitted to MPCA since March 2005 for the Facilities. Also provide a copy of the original permit application for the current Part 70 permit for the Facilities.
3. Provide copies of all Semi-Annual Deviations Reports and all Notification of Deviations Endangering Human Health and the Environment or equivalent documents submitted to MPCA for the Facilities since March 1, 2010.
4. Provide copies of all Annual Reports and annual emission inventories submitted to MPCA for the Facilities from March 1, 2010, to the present. For each pollutant emitted by the Facilities, provide a narrative describing the method used for the annual emissions calculations, including the basis of any emissions factors used, and any documents outlining the procedures or methods used to calculate annual emissions at the Facilities.
5. Provide a list and copies of each emissions test conducted at the Facilities for any reason, from March 1, 2005, to the present. Emission testing includes, but is not limited to, compliance testing, engineering testing, and testing for general information. Use the following guidelines for compiling the list and preparing copies of the emissions tests:
  - a. **List:** Identify the emissions unit, the date of the test, and the test method(s) used. For each test during which the source was not operating at maximum design capacity, provide an explanation for why production was limited. Indicate whether the report was shared with MPCA.
  - b. **Copies:** Provide full emissions test reports, including the summary pages, the section describing the process parameters and production or processing rates at the time of the test, all test runs, and all calculations.
6. Provide all documents related to all studies, inspections, or evaluations conducted or attempted for any reason from March 1, 2005, to the present, associated with air pollution control equipment and control systems at the Facilities, including but not limited to:
  - a. System improvements implemented based on findings of any study, inspection, or evaluation; and
  - b. Modeling emissions of air pollutants to the atmosphere.

7. Identify and describe, in a chronologically organized table, all capital expenditures greater than \$25,000 commenced at any emission unit at the Facilities, from March 1, 2010, to the present. This list must contain the approximate date each project (including maintenance projects and modifications) commenced; the date each project was completed or implemented; a brief description of each project; a list of major expenses for each project; and the fixed capital cost of each project in nominal dollars. This list should include, but not be limited to, capital expenditures associated with changes in raw material feed rates, production rates, emission rates, and/or air pollution control equipment.
8. For each project identified in Question 7 that costs more than \$50,000, provide copies of all capital appropriation requests, financial justifications, and authorizations, including attachments and addenda, generated by or prepared on behalf of the Facilities, Dow, or its predecessors concerning that project.
9. Provide the current "projected capital outlay plan" or any other document(s) that sets forth operational and equipment changes and identifies the projected capital expenditures that the Facilities will be making in the next five years (or any other planning period used) at the Facilities. In addition, provide capital planning documents (i.e., five year plans and all other comparable documents) for the period March 1, 2010, to the present.
10. Provide a facility diagram(s) with the following information:
  - a. Process overview with all material entering and exiting each process unit;
  - b. Emission units;
  - c. Emission unit installation date;
  - d. Air pollution control equipment with collection/destruction efficiency; and
  - e. The routing of emissions from each emission unit to each air pollution control unit with capture efficiency at each pickup point.
11. Provide the following information for each emission unit at the Facilities from March 1, 2010, to the present:
  - a. Monthly and annual maximum production limit;
  - b. Monthly and annual maximum production capacity;
  - c. The basis for each production limit (e.g., physical limitations or synthetic limits established for MPCA permit); and
  - d. For each monthly and annual capacity increase, document the physical or operational modification at the emission unit and the change in potential to emit from that emission unit.

12. Provide the monthly production at each membrane line, in terms of “8-inch equivalent units,” from March 1, 2010, to the present, in an Excel workbook:
13. Provide the following chemical use information from March 1, 2010, to the present, in an Excel workbook:
  - a. Monthly usage of each hazardous air pollutant (HAP) and volatile organic compound (VOC) containing solvent at each membrane line at the Facilities; and
  - b. Material safety data sheets (MSDS) for each HAP and VOC containing materials.
14. Provide the following information for each carbon adsorption unit in use at the Facilities from March 1, 2010, to the present:
  - a. Records of each control equipment non-operating period when the associated emission unit(s) was in operation;
  - b. Records of each quarterly and annual inspection;
  - c. Records of each annual calibration of the monitoring equipment;
  - d. Recorded operating parameters monitored at the scrubber;
  - e. Operating parameter limits;
  - f. The method used to establish each operating parameter limit; and
  - g. Effective dates of the operating limit parameters.
15. Provide the following information for each thermal oxidizer in use at the Facilities from March 1, 2010, to the present:
  - a. Records of each control equipment non-operating period when the associated emission unit(s) was in operation;
  - b. Records of each quarterly and annual inspection;
  - c. Records of each annual calibration of the monitoring equipment;
  - d. The three-hour rolling average temperature at the outlet of the combustion chamber;
  - e. The three-hour average temperature compliance limit;
  - f. The method used to establish the compliance temperature limit; and
  - g. Effective dates of the compliance temperature limits.



16. Provide the following information for the UF Line (GP 004) and associated emission units in use at the Facilities from March 1, 2010, to the present:
  - a. Records of the total amount of VOC used as a 12-month rolling average (megagrams); and
  - b. Records provided to MPCA and/or EPA pursuant to 40 C.F.R. § 60.747(c).
17. Provide all correspondence with MPCA and/or EPA regarding the applicability of the National Emissions Standards for Hazardous Air Pollutants (NESHAP) for Surface Coating of Plastic Parts and Products at 40 C.F.R. Part 63, Subpart PPPP.
18. Provide the basis for calculating and reporting hourly and annual dryer emissions at the Facilities.
19. Provide the basis for the assertion that curing ovens at the Facilities can be described as insignificant activities for MPCA permitting purposes. Include annual and hourly emission calculations with supporting documentation.

## **Appendix C**

### **Confidential Business and Personal Privacy Information**

#### **Assertion Requirements**

You may assert a business confidentiality claim covering any parts of the information requested in the attached Appendix B, as provided in 40 C.F.R. § 2.203(b).

Emission data provided under Section 114 of the CAA, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2.

“Emission data” means, with reference to any source of emissions of any substance into the air:

- Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;

- Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and

- A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

40 C.F.R. § 2.301(a)(2)(i)(A),(B) and (C).

To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document for which you make a claim of confidentiality should be marked by attaching a cover sheet stamped or typed with a caption or other suitable form of notice to indicate the intent to claim confidentiality. The stamped or typed caption or other suitable form of notice should employ language such as “trade secret” or “proprietary” or “company confidential” and indicate a date, if any, when the information should no longer be treated as confidential. Information covered by such a claim will be disclosed by EPA only to the extent permitted and by means of the procedures set forth at Section 114(c) of the CAA and 40 C.F.R Part 2. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. EPA will construe the failure to furnish a confidentiality claim with your response to the Request to Provide Information as a waiver of that claim, and the information may be made available to the public without further notice to you.

## Determining Whether the Information is Entitled to Confidential Treatment

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. § 2.208, which provides in part that you must satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; that the information is not and has not been reasonably obtainable by legitimate means without your consent and that disclosure of the information is likely to cause substantial harm to your business's competitive position.

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a letter asking that you support your confidential business information (CBI) claim. If you receive such a letter, you must respond within the number of days specified by EPA. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider confidential **by page, paragraph, and sentence**. Any information not specifically identified as subject to a confidentiality claim may be disclosed to the requestor without further notice to you. For each item or class of information that you identify as being CBI, EPA will ask that you answer the following questions, giving as much detail as possible:

1. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a special event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question number 1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available databases, promotional publications, annual reports or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, **explain with specificity** why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?

7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
8. Is there any other information you deem relevant to EPA's determination regarding your claim of business confidentiality?

If you receive a request for a substantiation letter from the EPA, **you bear the burden of substantiating your confidentiality claim.** Conclusory allegations will be given little or no weight in the determination. In substantiating your CBI claim(s), you must bracket all text so claimed and mark it "CBI." Information so designated will be disclosed by EPA only to the extent allowed by and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.

#### **Personal Privacy Information**

Please segregate any personnel, medical and similar files from your responses and include that information on a separate sheet(s) marked as "Personal Privacy Information." Disclosure of such information to the general public may constitute an invasion of privacy.

**CERTIFICATE OF MAILING**

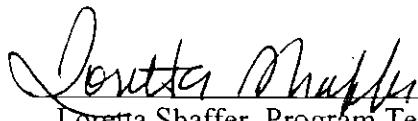
I, Loretta Shaffer, certify that I sent a Request to Provide Information Pursuant to the  
Clean Air Act by Certified Mail, Return Receipt Requested, to:

Darren Lund  
Dow Water & Process Solutions  
d/b/a Filmtec Corporation  
5400 Dewey Hill Road  
Edina, Minnesota 55439

I also certify that I sent a copy of the Request to Provide Information Pursuant to the  
Clean Air Act by First-Class Mail to:

Katie Koelfgen  
Manager, Land and Air Compliance  
Minnesota Pollution Control Agency  
520 Lafayette Road North

On the 12 day of February 2015.



Loretta Shaffer, Program Technician  
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 76261710